IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 496 of 2006 (M/B)

Vinay Rawat S/o Late R.S. Rawat,
R/o Village Panchayat Bashyur Majgaon,
Block Paukra, District Pauri Garhwal,
At present R/o Chandreshwar Nagar,
Rishikesh, District Dehradun. …….. Petitioner

Versus

1. State of Uttaranchal,
through Secretary, Intermediate Education,
Secretariat, Dehradun.
2. Director of Intermediate Education,
Uttaranchal, Dehradun.
3. Deputy Director of Intermediate Education,
Garhwal Region, Pauri Garhwal.
4. District Education Officer,
Pauri Garhwal.
5. State Public Service Commission,
Haridwar, Uttaranchal,
Through its Chairman. ……. Respondents

Mr. Lok Pal Singh, Advocate for the petitioner.
Mr. N.C. Gupta, Standing Counsel for respondents Nos. 1 to 4.
Mr. Ashish Joshi, Advocate for respondent No. 5.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. Prafulla C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Lok Pal Singh, Advocate for the petitioner.

Mr. N.C. Gupta, Standing Counsel for respondents Nos. 1 to 4.

Mr. Ashish Joshi, Advocate for respondent No. 5.

They are heard.

2. Petitioner Vinay Rawat has filed this writ petition for the following reliefs:

> "I) Issue a writ, order or direction in the nature of certiorari quashing the circular dated 05.12.2005 issued by the Respondent No. 1 contained in annexure No. 2 to this Writ Petition.
>
> ii) Issue a writ, order or direction in the nature of mandamus commanding the Respondent No. 1 to 4 not to give any ad-hoc appointment to the Shiksha Bandhus in pursuance of circular dated 05.12.2005.

iii) Issue a writ, order or direction in the nature of mandamus commanding / directing Respondent No. 1 to 4 to supply the information for vacant post of lecturers in District Pauri Garhwal to the Respondent No. 5 and further be pleased to direct the Respondent No. 5 to appoint the suitable candidates on the post of Lecturers by direct recruitment in accordance with law.

iv) Any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case by passed in favour of the petitioners.

v) Cost of the petition be awarded in favour of the petitioners."

3. The petitioner is aggrieved of Government Order No. 1274/XXIV-2/2005 dated 05.12.2005 (Annexure No. 2), whereby 555 Shiksha Bandhus were directed to be appointed on ad-hoc basis for a period of one year or till the availability of regularly recruited teachers by the Public Service Commission, whichever is earlier.

4. Mr. Lol Pal Singh, the learned counsel for the petitioner vehemently argued that the respondents, through the impugned Government Order, are recruiting less meritorious persons through the back door depriving the opportunity of employment to more meritorious persons like the petitioner.

5. True, the appointment to a post under the Government should be through an open competition, but the present argument vide Annexure No. 2 is by way of a stop-gap arrangement for a limited period, as the recruitment of the regular teachers by the Public Service Commission is likely to take quite sometime. From the Government Order, itself, it is apparent from Sub-para (6) that these appointments of the Shiksha Bandhus has the outer limit of one year and the same may be shorter in the eventuality of the recruitment of regular teachers being completed before the said period. We, therefore, do not find and illegality in the impugned order, which may warrant interference.

6. However, we hope that the respondents shall take necessary steps for the recruitment of regular teachers expeditiously and shall avoid extension of the period of one year stipulated in Annexure 2.

7. With the above observation, the writ petition stands disposed of.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C.J.)**
01.05.2006 **01.05.2006**

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